THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.11012 OF 2005

Dated: 08-11-2005

Between

B. Parameshwarudu, S/o. B. Sanjanna, R/o. Munimadugu Village, Peapally Mandal, Kurnool District.

...PETITIONER

AND

The Executive Engineer, RWS(P), Division Kurnool and another.

...RESPONDENTS

ORDER:

The petitioner questions the order of the Executive Engineer RWS (P), Division Kurnool, dated 10.06.2004 in canceling the proceedings dated 23.12.2003 issued for entering into agreement for the construction of Check Dam of local vanka at Munimadugu village of Peapally Mandal, the estimated cost is Rs.1.50 lakhs sanctioned under Neeru-Meeru (RIDF-VII- Phase.II) in exercise of powers under clause 60C of A.P.D.S.S. The petitioner was requested to attend the Deputy Executive Engineer within 7 days for entering into agreement of the proceedings dated 23.12.2003. The Deputy Executive Engineer vide his proceedings dated 09.06.2004 informed the Executive Engineer that the petitioner has not entered into the agreement and the work was not started. Therefore, the Executive Engineer vide proceedings of dated 10.06.2004 cancelled the proceedings issued for

entering into agreement.

Counter has been filed by the respondents stating that the work for construction of check dam on local vanka at Munimadugu village was proposed to be allotted to the petitioner vide proceedings dated 23.12.2003 and the petitioner was requested to attend the office of the Deputy Executive Engineer within 7 days along with EMD.Rs.3750/- and non-judicial stamp of Rs.100/- for entering into agreement; but the petitioner neither approached the Deputy Executive Engineer nor submitted the EMD. Therefore, pursuant to the report of the Deputy Executive Engineer dated 09.06.2004 stating that the petitioner did not the attend his office within seven days, the Executive Engineer vide his proceedings dated 10.06.2004 cancelled the proceedings issued for entering into agreement.

I am of the opinion that till the petitioner enters into the agreement no right is accrued in his favour and if the petitioner sustained any damages it is open for him to take appropriate action under the relevant provisions but no relief can be granted in this writ petition.

The writ petition is accordingly dismissed.

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V. ESWARAIAH, J

November 8, 2005

DSK